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EXAMINER

LU, CHARLES EDWARD

ART UNIT

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2161

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/974,676	<b>Applicant(s)</b> MORITA ET AL.	
	<b>Examiner</b> CHARLES E. LU	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/4/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6,7,9,10,14,15,17,18,20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,7,9,10,14,15,17,18,20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Action is in response to the Request for Continued Examination filed 3/4/2010. Claims 6, 7, 9, 10, 14, 15, 17, 18, 20, and 22 are pending and rejected.

#### ***Response to Amendments/Response to Arguments***

2. The 35 USC 112, second paragraph rejections are withdrawn in view of the amendments to the claims.

Applicant's arguments are drawn to the claims as amended. The previous grounds of rejection are withdrawn, and the new grounds of rejection are necessitated by amendment.

Applicant further argues that claim 9 requires that content be specified from a single listing of first data, and the data identify the content stored in the first and second formats (Reply, p. 10). However, as used in the combination below, Wiser provides a user interface where a user can choose to download a song (e.g., fig. 8). The download link is an identifier to a song. Sahai teaches a server that manages songs and client's requests for songs, and chooses an appropriate format for a song based on the client's request and capabilities (e.g., col. 6, ll. 12-50). Given the combined teachings of the references, it would have been obvious to allow a user to choose a song and have the correct format be chosen by the server based on the capability of the client, and streamed to the client (see rejection below). As such, the identifier would identify the song stored in the multiple formats (e.g., on the server), as claimed, and the combination of references would teach or suggest all of the claimed subject matter.

Applicant's remaining arguments depend on an argument already treated above.

### ***Claim Objections***

**3. Claims 18 and 20 are objected to because of the following informalities:**

**As to claims 18 and 20**, line 2, "storing unit" should be changed to storage unit so that it is clearer that the unit is being drawn to hardware. This assumes that the specification supports such amendments.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**4. Claims 9, 10, 17, 18, 20, and 22 are rejected under 35 USC 103(a) as being unpatentable over Wiser et al. (U.S. 6,385,596) hereinafter "Wiser," in view of Sahai et al. (U.S. Patent 6,594,699), hereinafter "Sahai."**

**As to claim 9**, Wiser teaches the following claimed subject matter:

A record controlling step for controlling a record in which first data identifies a predetermined content (e.g., col. 14, ll. 40-48),

A specifying step for specifying the predetermined content from a single listing of the first data in a content list (e.g., col. 14, ll. 40-48, fig. 8 preview, selection of song to download from list).

Wiser does not expressly teach:

(1) a predetermined content stored in a first format and stored in a second format.

(2) an acquiring unit for acquiring a file format from an information processing apparatus that is operable with the information processing apparatus;

(3) a transferring step for transferring the predetermined content to an information processing apparatus in one of said first format and said second format depending on which of said first and second format is consistent with the file format acquired in said acquiring step.

However, Sahai teaches or suggests (1) because a server contains predetermined content (e.g., media) stored in a first format and second format (e.g., col. 6, l. 19, MPEG1/MPEG2 formats of file). Moreover, Wiser as applied above teaches or suggests using a URL corresponding to multimedia content (e.g., fig. 8).

Sahai further teaches or suggests (2) because a server picks the appropriate file format to be played on a client (e.g., col. 6, ll. 12-20, first or second file is selected based on client capability).

Sahai further teaches or suggests (3) because a file in the chosen format is sent to a client (e.g., col. 6, ll. 19-24, 34-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser, to support (1)-(3), namely, storage, retrieval, and streaming a chosen format of a given media asset based on client capabilities, and adjustment of the encoding bit rate, as claimed. For example, a user would click to download a piece of music (e.g., Wiser, fig. 8) and Sahai would be used

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to determine the appropriate format of a plurality of available formats to stream to the client, based on client capabilities (e.g., col. 6, ll. 12-50). The motivation would have been to create an intelligent server system that adapts to the capability of the client, for intelligent data transfer, as taught by Sahai (e.g., col. 1, l. 55 - col. 2, l. 35).

Wiser and Sahai teach at least one server and client, but do not expressly teach “another information processing apparatus” with regard to (2)-(3) above.

However, an information processing apparatus above can be understood to be a client computer. As discussed above, Sahai gathers information from a client computer to determine a format. Wiser operates with any number of client systems (e.g., col. 5, ll. 46-48) to provide selection of content. Thus, the prior art suggests use with “another” information processing apparatus (e.g., use with other clients on a network).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that another information processing apparatus is implemented. The motivation would have been to support data communication among several systems, and more fully utilize a network to distribute files of an appropriate format, as known to one of ordinary skill in the art.

**As to claim 10**, the combination as applied above further teaches reproducing the predetermined content stored in either the first or second file (e.g., Sahai, streaming content in the chosen file format to the client).

**Claim 17** is rejected based on the same reasons as claim 9, discussed above.

**As to claim 18**, Wiser teaches:

A storage unit configured to store a plurality of contents in a storage area of a memory (e.g., fig. 1B, #124, col. 14, ll. 54-56);

A content ID specifying unit configured to specify the predetermined content from a single listing of the content ID in a content list (e.g., col. 14, ll. 40-48, fig. 8 preview, selection of song to download from list);

Wiser does not expressly teach:

(1) a database in which a first file ID identifying a first file of a predetermined content stored in a first format and a second file ID identifying a second file of the predetermined content stored in a second format that may be associated with a content ID that identifies the predetermined content;

(2) an acquiring unit for acquiring a file format from an information processing apparatus that is operable with the information processing apparatus;

(3) a transferring unit for transferring the predetermined content to an information processing apparatus in one of said first format and said second format depending on which of said first and second format is consistent with the file format acquired in said acquiring step.

However, Sahai teaches or suggests (1) because a server contains predetermined content (e.g., media) stored in a first format and second format (e.g., col. 6, l. 19, MPEG1/MPEG2 formats of file). Moreover, Wiser as applied above teaches or suggests using a URL corresponding to multimedia content (e.g., fig. 8).

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Sahai further teaches or suggests (2) because a server picks the appropriate file format to be played on a client (e.g., col. 6, ll. 12-20, first or second file is selected based on client capability).

Sahai further teaches or suggests (3) because a file in the chosen format is sent to a client (e.g., col. 6, ll. 19-24, 34-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser, to support (1)-(3), namely, storage, retrieval, and streaming a chosen format of a given media asset based on client capabilities, and adjustment of the encoding bit rate, as claimed. For example, a user would click to download a piece of music (e.g., Wiser, fig. 8) and Sahai would be used to determine the appropriate format of a plurality of available formats to stream to the client, based on client capabilities (e.g., col. 6, ll. 12-50). The motivation would have been to create an intelligent server system that adapts to the capability of the client, for intelligent data transfer, as taught by Sahai (e.g., col. 1, l. 55 - col. 2, l. 35).

Wiser and Sahai teach at least one server and client, but do not expressly teach "another information processing apparatus" with regard to (2)-(3) above.

However, an information processing apparatus above can be understood to be a client computer. As discussed above, Sahai gathers information from a client computer to determine a format. Wiser operates with any number of client systems (e.g., col. 5, ll. 46-48) to provide selection of content. Thus, the prior art suggests use with "another" information processing apparatus (e.g., use with other clients on a network).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that another information processing apparatus is implemented. The motivation would have been to support data communication among several systems, and more fully utilize a network to distribute files of an appropriate format, as known to one of ordinary skill in the art.

**As to claim 20**, Wiser teaches a storing unit to store a plurality of content identifications identifying each content (e.g., col. 14, ll. 40-60, fig. 1B, #124; media file must have a format; fig. 8, songs and links to songs);

A display unit configured to display a single content identification (e.g., fig. 8; for a song, click link to download);

A select unit configured to select a predetermined content identification by selecting one of the plurality of content identifications displayed on the display unit (e.g., fig. 8, selected music to preview);

Wiser does not expressly teach (1) two formats of the predetermined content, and displaying a single content identification associated with the two formats and (2) an acquisition unit configured to acquire a format from an information processing apparatus that is operable in the information processing apparatus, and a transfer unit configured to transfer the predetermined content file in a format acquired by the acquisition unit to the information processing apparatus.

However, Sahai teaches or suggests (1)-(2) because Sahai supports, given a client selection of a media asset, surveying the client for client capabilities and selecting an appropriate file format based on the client capability. The file is chosen from at least

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two formats (e.g., col. 6, ll. 18-20). Then, the appropriate file is sent to the client at a specified bit rate (e.g., col. 6, ll. 12-42). As discussed above, Wiser supports a content ID and using links to identify and download a file.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser, such that (1)-(2) above is implemented to transfer the appropriate file format to the client based on the client capability. For example, a user would click to download a piece of music (e.g., Wiser, fig. 8) and Sahai would be used to determine the appropriate format of a plurality of available formats to stream to the client, based on client capabilities (e.g., col. 6, ll. 12-50). The motivation would have been to create an intelligent server system that adapts to the capability of the client, for intelligent data transfer, as taught by Sahai (e.g., col. 1, l. 55 - col. 2, l. 35).

Wiser and Sahai do not expressly teach “another information processing apparatus” regarding limitation (2).

However, an information processing apparatus above can be understood to be a client computer. Sahai gathers information from a client computer to determine a format. Wiser operates with any number of client systems (e.g., col. 5, ll. 46-48). Thus, the prior art suggests “another” information processing apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that another information processing apparatus is implemented. The motivation would have been to support data communication among several systems, and more fully utilize a network, as known to one of ordinary skill in the art.

**Claim 22** is rejected based on the same reasoning as claim 20.

**5. Claims 6, 7, 14, and 15 are rejected under 35 USC 103(a) as being unpatentable over Wiser, in view of Sahai, and further in view of Putz et al. (5,210,824), hereinafter “Putz.”**

**As to claim 14**, Wiser and Sahai as applied above teach predetermined content, formats and files, but do not expressly teach generating the predetermined content in the second format on the basis of the first format.

However, Putz teaches converting a given file from one format to another (e.g., col. 17, ll. 32-51). The converted data is stored as a file (e.g., col. 17, ll. 40-50). Thus, Putz suggests generating a predetermined content in a second format based on a first file, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that the second format file can be generated by converting the first file to the second file. This would meet the claimed subject matter. The motivation would have been to facilitate conversion and storage of different format files, so that the files can be used by clients requiring different formats, as known to one of ordinary skill in the art and taught by Putz (e.g., Abstract).

**As to claim 15**, Wiser and Sahai as applied above teach a first file and second file, but do not expressly teach converting either the first or second file to a third file for storing the predetermined content in a third format.

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However, Putz teaches converting a given file from one format to another (e.g., col. 17, ll. 32-51). The converted data is stored as a file (e.g., col. 17, ll. 40-50). The given file can correspond to one of the file formats taught by Sahai. Thus, Putz suggests converting the first or second file to a third file for storage in a third format, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that a third format file can be generated by converting the first or second file, as claimed. The motivation would have been to provide support for more types of clients and client capabilities in reading files, as known to one of ordinary skill in the art.

**Claims 6 and 7** are rejected based on the same reasoning as the above claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F. Any prior art cited on the PTO-892 form that was not relied upon is considered pertinent to applicant's disclosure.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached at (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Charles E Lu/  
Examiner, Art Unit 2161  
4/13/2010